

Proposal No. 251, 1978

CITY-COUNTY GENERAL ORDINANCE NO. , 1978

Rezoning Ordinance No. 75, 1978

METROPOLITAN DEVELOPMENT COMMISSION

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SPECIAL USE DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

Department of Metropolitan Development
Division of Planning and Zoning

Legal Draft 6/7/78

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OF

MARION COUNTY, INDIANA

C O N T E N T S

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CITY-COUNTY GENERAL ORDINANCE NO. ____, 1978

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 78-AO-1

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA*

Section 1. That Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and the SPECIAL USE DISTRICT ZONING ORDINANCE of Marion County, Indiana (Ordinance 66-AO-3), adopted as an amendment thereto, as amended, pursuant to Chapter 283 of the Indiana Acts of 1955 and Chapter 173 of the Indiana Acts of 1969, be amended as follows:

That said SPECIAL USE DISTRICT ZONING ORDINANCE of Marion County, Indiana (Ordinance 66-AO-3) be amended to read as follows:

CHAPTER I

ESTABLISHMENT OF SPECIAL USE ZONING DISTRICTS-- PERMITTED USES

SECTION 1.00

The following primary SPECIAL USE ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, hereafter zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are a part of said Ordinance No. 8-1957, as amended and are hereby incorporated by reference and made a part of this ordinance). No use shall be permitted in any SPECIAL USE ZONING DISTRICT other than the following permitted use or uses specified for each said DISTRICT, respectively:

<u>SPECIAL USE ZONING DISTRICT</u>	<u>ZONING DISTRICT SYMBOL</u>	<u>PERMITTED USE</u>
SPECIAL USE DISTRICT I	SU-1	CHURCHES.
SPECIAL USE DISTRICT II	SU-2	SCHOOLS.
SPECIAL USE DISTRICT III	SU-3	GOLF COURSES, GOLF DRIVING RANGES.
SPECIAL USE DISTRICT IV	SU-4	AIRPORT OR LANDING FIELDS.
SPECIAL USE DISTRICT V	SU-5	RADIO RECEIVING OR BROADCASTING TOWERS AND ACCESSORY BUILDINGS.
SPECIAL USE DISTRICT VI	SU-6	HOSPITALS AND SANITARIUMS.
SPECIAL USE DISTRICT VII	SU-7	CHARITABLE AND PHILANTHROPIC INSTITUTIONS.
SPECIAL USE DISTRICT VIII	SU-8	CORRECTIONAL AND PENAL INSTITUTIONS.
SPECIAL USE DISTRICT IX	SU-9	BUILDINGS AND GROUNDS USED BY ANY DEPARTMENT OF TOWN, CITY, TOWNSHIP, COUNTY, STATE OR FEDERAL GOVERNMENT.
SPECIAL USE DISTRICT X	SU-10	CEMETERIES.
SPECIAL USE DISTRICT XI	SU-11	AUTO WRECKING AND JUNKING.
SPECIAL USE DISTRICT XII	SU-12	JUNKYARDS--IRON, RAG, PAPER-- STORAGE OR BAILING.
SPECIAL USE DISTRICT XIII	SU-13	SANITARY LANDFILL.
SPECIAL USE DISTRICT XIV	SU-14	GARBAGE FEEDING AND DISPOSAL.
SPECIAL USE DISTRICT XV	SU-15	THE RAISING OR MAINTENANCE OF ANIMALS OR LIVESTOCK FOR BIOLOGICAL PURPOSES OR FOR THEIR FUR OR PELTS.
SPECIAL USE DISTRICT XVI	SU-16	AMUSEMENT PARKS AND SWIMMING POOLS PRIVATELY OWNED AND OPEN TO PUBLIC PATRONAGE.

<u>SPECIAL USE ZONING DISTRICT</u>	<u>ZONING DISTRICT SYMBOL</u>	<u>PERMITTED USE</u>
SPECIAL USE DISTRICT XVII	SU-17	AUTOMOBILE RACE TRACKS, SPEEDWAYS.
SPECIAL USE DISTRICT XVIII	SU-18	LIGHT AND POWER SUBSTATIONS.
SPECIAL USE DISTRICT XIV	SU-19	DRIVE-IN THEATRES.
SPECIAL USE DISTRICT XX	SU-20	TELEPHONE EXCHANGE OFFICES.
SPECIAL USE DISTRICT XXI	SU-21	DOG KENNELS, BOARDING AND BREEDING.
SPECIAL USE DISTRICT XXII	SU-22	LIVESTOCK SALES YARDS AND AUCTION YARDS.
SPECIAL USE DISTRICT XXIII	SU-23	PERMANENT GRAVEL AND SAND PROCESSING PLANT AND STOCK PILING.
SPECIAL USE DISTRICT XXIV	SU-24	ABATTOIR.
SPECIAL USE DISTRICT XXV	SU-25	ASPHALT HANDLING.
SPECIAL USE DISTRICT XXVI	SU-26	GLUE MANUFACTURING.
SPECIAL USE DISTRICT XXVII	SU-27	LIVESTOCK KILLING OR MEAT PROCESSING.
SPECIAL USE DISTRICT XXVIII	SU-28	PETROLEUM REFINERIES AND PETROLEUM PRODUCTS STORAGE.
SPECIAL USE DISTRICT XXIV	SU-29	REDUCTION PLANTS.
SPECIAL USE DISTRICT XXX	SU-30	ROCK CRUSHING, GRINDING OR MILLING.
SPECIAL USE DISTRICT XXXI	SU-31	SLAUGHTER HOUSE.
SPECIAL USE DISTRICT XXXII	SU-32	STOCK YARDS.
SPECIAL USE DISTRICT XXXIII	SU-33	PHARMACEUTICAL LABORATORIES.
SPECIAL USE DISTRICT XXXIV	SU-34	a. CLUB ROOMS
		b. FRATERNAL ROOMS--FRATERNITY AND LODGE
		c. BALLROOMS--PUBLIC
SPECIAL USE DISTRICT XXXV	SU-35	TELECOMMUNICATION RECEIVING OR BROADCASTING TOWERS AND ASSOCIATED ACCESSORY BUILDINGS. Telecommunication is defined by the Federal Communications Commission as: "Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems." Said definition is hereby made a part of this section.
SPECIAL USE DISTRICT XXXVI	SU-36	RIDING ACADEMIES, COMMERCIAL STABLES.
SPECIAL USE DISTRICT XXXVII	SU-37	LIBRARY.
SPECIAL USE DISTRICT XXXVIII	SU-38	COMMUNITY CENTER.
SPECIAL USE DISTRICT XXVIII	SU-38	a. WATER TANKS
SPECIAL USE DISTRICT XXXVIV	SU-39	b. WATER PUMPING STATIONS AND SIMILAR STRUCTURES NOT LOCATED ON BUILDINGS.
SPECIAL USE DISTRICT XXXX	SU-40	DANCE STUDIOS (for instruction purposes only).
SPECIAL USE DISTRICT XXXXI	SU-41	SEWAGE DISPOSAL PLANT.
SPECIAL USE DISTRICT XXXXII	SU-42	GAS UTILITIES.
SPECIAL USE DISTRICT XXXXIII	SU-43	POWER TRANSMISSION LINES.

CH. 1, SEC. 1.00

CHAPTER II

SPECIAL USE DISTRICT REGULATIONS

SECTION 2.00

The following regulations shall apply to all land within the SPECIAL USE DISTRICTS.

A. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

B. All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE, DUST
AND PARTICU-
LATE MATTER Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, which ordinance is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

3. NOXIOUS
MATTER No use shall discharge across the lot lines
noxious, toxic or corrosive matter, fumes or gases
in such concentration as to be detrimental to or
endanger the public health, safety or welfare or
cause injury to property.
 4. ODOR No use shall emit across the lot lines odor in
such quantities as to be readily detectable at any
point along the lot lines and as to be detrimental
to or endanger the public health, safety or
welfare or cause injury to property.
 5. SOUND No use shall produce sound in such a manner as to
endanger the public health, safety or welfare or
cause injury to property. Sound shall be muffled
so as not to become detrimental due to intermit-
tence, beat, frequency, shrillness or vibration.
 6. HEAT AND
GLARE No use shall produce heat or glare creating a
hazard perceptible from any point beyond the lot
lines.
 7. WASTE
MATTER No use shall accumulate within the lot or discharge
beyond the lot lines any waste matter, whether
liquid or solid, in violation of the applicable
standards and regulations of the Division of Public
Health of the Health and Hospital Corporation of
Marion County, Indiana, the Indiana State Board of
Health, and the Stream Pollution Control Board of
the State of Indiana and the Department of Public
Works of Indiana, or in such a manner as to
endanger the public health, safety or welfare or
cause injury to property.
- C. All uses permitted within the SPECIAL USE DISTRICTS shall be provided with
adequate off-street parking and loading spaces.
- D. In addition to the regulations of section 2.00 A, B, and C, the following
regulations shall apply to SPECIAL USE DISTRICT XIII (SU-13):
1. LAND USE
RESTRICTION Land use permitted in the SU-13 DISTRICT shall be
limited to "sanitary landfill" operations, defined as
follows:

"Sanitary landfill": a method of disposing of
refuse on land without creating nuisances or
hazards to public health, safety, or welfare by
utilizing principles of engineering to confine

the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary, and in compliance with all requirements and regulations of this ordinance. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 DISTRICT.

"Open Dumping" shall not be permitted in the SU-13 DISTRICT. (For purposes of this ordinance, "open dump" is defined as follows: a site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.)

No use in the SU-13 DISTRICT shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.

- | | |
|---------------------|---|
| 2. MINIMUM LOT AREA | Ten (10) acres. |
| 3. MINIMUM FRONTAGE | Three hundred (300) feet. |
| 4. MINIMUM YARDS | Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet.

No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line. |
| 5. FENCING | The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier. |
| 6. BUFFER STRIP | A buffer planting strip, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure. |
| 7. SIGNS | Only necessary identification and directional signs shall be permitted. |
| 8. ACCESS DRIVE | Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet. |

Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.

9. REQUIRED
PERMIT, SITE
& OPERATIONAL
PLAN; BOND

- (1) No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 DISTRICT until a Permit has been issued by the Division of Planning and Zoning and a bond filed therefor, as required by sub-paragraph (2) hereof.
- (2) Applications for the Permit required by sub-paragraph (1) above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this ordinance, including the operation and completion of the sanitary landfill in accordance with the approved Site and Operational Plan, as required by sub-paragraph (3) hereof. (Such Permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the Site and Operational Plan.)

Said bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Said bond shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond.

- (3) Applications for the Permit required by sub-paragraph (1) above shall be accompanied by the following: (a) proposed Site and Operational Plan, including topographic maps (at a scale of not over 100 feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and sub-surface characteristics.

Said Plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site;

existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of said Site and Operational Plan by the Administrator of the Division of Planning and Zoning shall be required prior to the issuance of said permit.

(b) An area map.

10. OPERATION

Supervision of operation.

(a) A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.

Unloading of refuse.

(b) Unloading of refuse shall be continuously supervised.

Site maintenance.

(c) Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.

Spreading and compacting of refuse.

(d) Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health and Hospital Corporation.

Daily cover.

(e) A compacted layer of at least 6 inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

Final cover.

(f) A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than 1 week following the placement of refuse within that portion.

Maintenance of cover.

(g) All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two years.

Hazardous materials, including liquids and sewage.

- (h) Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.

Burning.

- (i) No refuse shall be burned on the premises.

Salvage.

- (j) Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.

Insect and rodent control.

- (k) Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.

Drainage of surface water.

- (l) The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

Characteristics of cover material.

- (m) Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.

Water pollution and nuisance control.

- (n) Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used the Health and Hospital Corporation. Inert material shall not include residue from refuse incinerators.

Equipment.

- (o) Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules.

Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

11. COMPLETION OF LANDFILL

Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:

- (a) result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
- (b) minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

Said topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved Site and Operational Plan.

- E. In addition to the regulations of section 2.00 A, B and C, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such SPECIAL USE DISTRICT XXXXII (SU-42), and where the word "lot" is used in the following twelve paragraphs it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

- 1. The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association, a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.

2. All uses shall conform to the Atomic Energy Commission's standards for protection against radiation, a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
3. All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation, a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
4. No building or structure for uses permitted under such Special Use District (42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one permanently surfaced public street or highway.
5. All uses permitted under such Special Use District (42) shall provide off-street parking areas with hard usable surface, including as a minimum requirement one space (containing 330 square feet in addition to the necessary ingress and egress lanes) for each two employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within 20 feet of any lot boundary except where said lot boundary abuts a railroad line.

Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.

6. The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half the area of the lot on which the structures are located.
7. A front yard shall be required along every front lot line. A front yard shall be not less than the established set-back for abutting land; provided, however, in the event such established set-backs of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater, and in the event the abutting land is in an Industrial or Commercial District the front yard shall be not less than 60 feet in depth. Provided further that in the event said lot adjoins a Dwelling or Agricultural District, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right of way than the established set-back line of said Dwelling or Agricultural District, said fence to be not less than 15 additional feet from the outside of the building or structure as provided in said paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding 10% of the front yard area, a front yard shall be planted in grass or other suitable ground cover.
8. A side yard shall be provided along each side lot line. A side yard shall be at least 50 feet in depth (except where it abuts a mainline

railroad) plus one foot for each foot of height by which the building or structure exceeds 20 feet.

On a corner lot, the side yard adjacent to a street shall be subject to the standards applicable to front yards, except that such side yard may be used for off-street parking not extending within 20 feet of the street right of way.

9. A rear yard shall be provided along each rear yard line. A rear yard shall be at least 50 feet in depth (except where it abuts a main line railroad) plus one foot for each foot of height by which the building or structure exceeds 20 feet.
10. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-A0-4), except that no signs other than directional signs not exceeding 6 square feet in area shall be permitted between the lot line and set-back line.
11. All gas conditioning and control facilities permitted under such Special Use District (42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association which are incorporated herein by reference and made a part hereof.
12. Each building or structure housing such facilities and equipment shall be enclosed by a 6 foot chain link fence, with locked gate, not less than 15 feet from the outside of such building or structure and a compact hedge not less than 6 feet in height between such fence and the property line. Said hedge shall not be located closer than 25 feet to any street right of way. In the event said lot adjoins a Dwelling or Agricultural District, said fence and hedge shall not be located closer to any street right of way than the established setback line of said Dwelling or Agricultural District.

CHAPTER III

SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Date July 17, 1978

Beurt SerVaas

President (or Presiding Officer)

Attest: Beverly S. Rippey
(Clerk)